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May 8, 2015

Via CM/ECF

Hon. Joseph C. Spero
Chief Magistrate Judge
U.S. District Court, Northern District of California
Phillip Burton United States Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102-3434

Re: *Morgan Henderson v. Lincoln Square, LLC, et al.*
Case No. C12-01938 JCS ADR

Dear Judge Spero:

Pursuant to Your Honor's Standing Order A.3., I respectfully request to appear telephonically on behalf of Defendant Lincoln Square, LLC ("Lincoln Square") at the Status Conference currently scheduled for Friday, May 15, 2015 at 2:00 p.m., via the land line (619) 544-3210.

Additionally, I respectfully request that the Status Conference be rescheduled to another time convenient to the Court on May 15th. This request is made on the grounds that I have a dispositive motion hearing previously scheduled for May 15th at 1:30 p.m. in San Diego Superior Court. That hearing date was reserved on March 10th, as shown on entry no. 70 of the docket printout attached hereto.

I spoke today by phone with Plaintiff's counsel Mr. Rein, who confirmed that he does not oppose Lincoln Square's request but asked that any rescheduled time remain in the afternoon, rather than the morning, of May 15th. I therefore request that the Court continue the Status Conference by one hour, to Friday, May 15, 2015 at 3:00 p.m.

If the remedial work at the Lincoln Square shopping center is completed before the Status Conference, the Court will be notified in accordance with the Order dated April 28, 2015. (It is my understanding that the remedial work remains on schedule.)

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I am of course happy to provide any additional information the Court may wish to receive. Thank you for considering this request.

Sincerely yours,



Nathaniel R. Smith

Enclosure (docket report in *Alki Partners, LP, et al. v. DB Fund Services, LLC, et al.*, case no. 37-2014-00039313-CU-BC-NC (San Diego Super. Ct.))

cc: Paul L. Rein, Esq.

Dated: 5/12/15

